

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	
	)	CRIMINAL NO. 1982-131
JOHN GAMERTSFELDER,	)	
	)	
Defendant.	)	
_____	)	
	)	
GOVERNMENT OF THE VIRGIN ISLANDS)	)	
	)	
Plaintiff,	)	
v.	)	
	)	CRIMINAL NO. 1982-132
JOHN GAMERTSFELDER,	)	
	)	
Defendant.	)	
_____	)	

ORDER

**AND NOW,** this 10th day of November, 1993, upon consideration of the motion of the United States of America and the Government of the Virgin Islands to correct the sentence imposed upon defendant on March 19, 1990, the defendant's opposition thereto, and the Third Circuit Court of Appeal's remand Order of January 11, 1990 in *Government of the Virgin Islands v. Gamertsfelder*, (Nos. 89-3347 and 89-3348), it is hereby

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**ORDERED**, that pursuant to former FED. R. CRIM. P. 35(a), that the March 19, 1990 sentence is **VACATED** as an unlawful sentence and the defendant is resentenced as follows:

For violation of V.I. CODE ANN. tit. 19, § 614a (a)(1)(C), a mandatory minimum sentence of fifteen (15) years and a \$200,000 fine payable immediately;

The sentence for violation of 21 U.S.C. §§ 841(a)(1) and 952(a) is hereby **MODIFIED** to a mandatory minimum sentence of fifteen (15) years in light of the mandate to impose a unitary, general sentence conforming to the Virgin Islands statute which also precludes parole.

**IT IS FURTHER ORDERED** that a Bench Warrant is hereby issued for the return of defendant to the custody of the Attorney General of the United States of America to serve the remainder of the general sentence.

**IT IS FURTHER ORDERED** that the defendant shall be given credit towards his custody sentence for creditable time served on parole.

**FOR THE COURT:**

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**JAMES T. GILES**  
**U.S. DISTRICT COURT JUDGE**  
**SITTING BY DESIGNATION**

**A T T E S T:**  
Orinn Arnold  
Clerk of the Court

By: \_\_\_\_\_  
Deputy Clerk

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Copies to:

Stephen A. Bruschi, Fed. P.D.  
James S. Carroll, III, AUSA  
Clerk's Office, Third Circuit Ct of Appeals (Re:  
No. 89-3347 & 3348)  
Lori Gilmore